

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C) .No. 17448 of 2007(B)

PETITIONER:

DR.H.NAJMA, AGED 27 YEARS,
D/O.A.HAMEED, RESIDING AT HOUSE NO.228,
SCT NAGAR, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.BABU KARUKAPADATH
SRI.A.SHAFEEK
SMT.M.A.VAHEEDA BABU
SRI.JAGAN GEORGE

RESPONDENTS:

1. COMMISSIONER FOR ENTRANCE EXAMINATIONS,
VTH FLOOR, UPPER ZONE, HOUSING BOARD BUILDINGS,
SANTHI NAGAR, THIRUVANANTHAPURAM.
2. DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.
3. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, HEALTH AND FAMILY
WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
4. MEDICAL COUNCIL OF INDIA, NEW DELHI.
5. THE PRINCIPAL, KOZHIKODE MEDICAL COLLEGE
KOZHIKODE.

BY ADV. SRI.ALEXANDER THOMAS, SC, MCI
G.P. SHRI.BENCHAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Dated this the 27th day of June, 2007

J U D G M E N T

The petitioner obtained admission to a P.G. Course which has not been recognised by the Medical Council of India. Petitioner's contention is that there are vacancies in other subjects and therefore, the petitioner may be given admission in accordance with her higher option. The learned Standing Counsel appearing for the 4th respondent points out that the last date for any kind of admission to P.G. courses including higher option and transfer is 31.5.2007 and therefore, even the higher options cannot be allowed. He would also point out that last year the Supreme Court granted extension of time till 30.6.2006 on the ground that some matter relating to admission was pending before the Supreme Court. The petitioner could not contradict the submission of the learned Standing Counsel for the 4th respondent by any material. That being so, I am afraid that I cannot entertain this writ petition for giving the petitioner admission to any other subject other than that to which she has been admitted.

2. However, the learned counsel for the petitioner submits that now that the course to which the petitioner got admission has not been recognised, the petitioner does not wish to continue to study in that subject and the 5th respondent may be directed to return all certificates, bond and the fees paid by her at the time of admission. Certificates and bond shall be returned to the petitioner on her making a request for the same if she does not intend to continue the course. Fees shall be refunded to her if the Kozhikode Medical College is not, as per regulations, entitled to conduct DMRT course to which the petitioner has been admitted. In case the State moves the Supreme Court and obtains extension of time for admissions, it would be open to the petitioner to stake her claim in accordance with eligibility.

Writ petition is disposed of as above.

Sd/-

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S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.

